

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM SELTZER,)
Plaintiff,)
vs.) Case No. 4:06CV565 HEA
CITY OF ST. LOUIS, et al.,)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Motion to Dismiss for Failure to Prosecute, [Doc. No. 25]. Plaintiff has not responded to the motion. As provided herein, the Motion is granted.

Plaintiff filed this action, *pro se*, on April 3, 2006 alleging violations of 42 U.S.C. § 1983. Plaintiff filed a notice of change of address on August 17, 2006. On October 20, 2006, mail from the Court to Plaintiff at his changed address was returned with no forwarding address. Defendants also advise the Court that their initial disclosures were refused and returned to sender when mailed to Plaintiff's changed address. There has been no further notification by Plaintiff of a different address.

On October 12, 2006, the Court entered its Case Management Order wherein the parties were ordered to serve their mandatory disclosures under Rule 26(a) of

the Federal Rules of Civil Procedure on or before November 11, 2006. The Court can glean from the returned mail, the Case Management Order, that Plaintiff has failed to serve said disclosures. Plaintiff has failed to prosecute his action in the manner provided by the Federal Rules.

This Court's Local Rules provide that it is incumbent on *pro se* litigants to advise the Court of their proper addresses:

Every *pro se* party shall promptly notify the Clerk and all other parties to the proceedings of any change in his or her address and telephone number. If any mail to a *pro se* plaintiff or petitioner is returned to the Court without a forwarding address and the *pro se* plaintiff or petitioner does not notify the Court of the change of address within thirty (30) days, the Court may, without further notice, dismiss the action without prejudice.

E.D. Mo. L.R. 2.06(B). Defendants' motion to dismiss is well taken and pursuant to Rule 41(b), this action will be dismissed, without prejudice for failure to prosecute.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss, [Doc. No. 25], is granted, and this matter is dismissed, without prejudice, for failure to prosecute.

Dated this 12th day of December, 2006.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE